

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

Clerk's Office
444 SE Quincy, Room 240
Frank Carlson Federal Building
Topeka, Kansas 66683
Telephone: (785) 295-2750

NOTICE TO COUNSEL CONCERNING MOTIONS OR OBJECTIONS

set on docket calendar and instructions for noticing
for hearings before

The Honorable James A. Pusateri
at
Topeka, Kansas

1. HEARING DATES: Attached are the 2003 calendar hearing dates established for non-evidentiary hearings set before The Honorable James A. Pusateri, Bankruptcy Judge. These dates are for the regular monthly court calendar and motion calendar. Days and times are set out for specific chapters on the regular calendar. Stay relief motions and other miscellaneous matters may be set on the motion calendar and counsel may set any chapter on that day. Any motions scheduled for these calendars must be noticed by counsel giving sufficient time to comply with the Bankruptcy Code, Rule 2002 of the Federal Rules of Bankruptcy Procedure and the Local Rules of Practice and Procedure. Counsel may be required to re-notice any motions not in compliance with the Rules. The actual date of the objection deadline must appear within the notice and set out the proposed hearing date if an objection is filed. Objections setting "20 days" will not be sufficient. A specific date is required. Amended schedules, motions, applications, objections and answers are incorporated herein.

2. After preparing a motion (which includes Certificate of Service), counsel must prepare either:

A. Notice with Objection Deadline (See Sample A attached)

Counsel is to send the notice, with a copy of the motion, stating that unless an objection is filed in writing with the Clerk of the U.S. Bankruptcy Court no later than the objection cut-off (actual date) stated in the notice, the motion will be granted by entry of an order to be prepared and submitted by counsel for movant. The objection or answer deadline must be set at least five (5) business days prior to the calendar setting given on the docket calendar and noticed pursuant to Fed.R.Bankr.P. 2002. Objections/responses filed or served after the objection cut-off date will be brought to the Court's attention.

OR

B. Notice of Hearing on Motion (See Sample B attached)

This places the matter directly on the court calendar. With this type of hearing, the issue will be heard unless an agreed journal entry is filed or the Court directs that the matter should be set for pretrial or evidentiary hearing. Counsel for movant must give all necessary parties notice pursuant to Fed.R.Bankr.P. 2002 and establish an objection cut-off date (actual date). The date given for objections must be at least five (5) business days prior to the calendar setting. Objections/responses filed or served after the objection cut-off date will be brought to the Court's attention.

3. Motions for Relief from Stay under 11 U.S.C. 362(d)

A Motion for Relief from Stay is to be accompanied by a Notice of Objection Deadline with Opportunity for Hearing giving 20 days for objection to be filed and a proposed hearing date within the statutory 30-day requirement of 11 U.S.C. 362(e).

A motion for stay relief may be combined with a request for adequate protection. The inclusion in the motion of a request for any other relief or the setting of such motion pursuant to D.Kan. LBR 9013.2 for a docket more than thirty (30) days from the filing of the motion shall constitute a waiver of the thirty (30) day requirement of 11 U.S.C. 362(e). Any hearing on a motion for relief from stay appearing on the motions docket within such thirty (30) days shall be considered a preliminary hearing and movant's failure to request that the final hearing be concluded within thirty (30) days thereafter shall constitute a similar waiver. [LBR 4001(a).1]

Notice is to be given to debtor, co-debtor (if applicable), debtor's attorney, trustee, U.S. Trustee and the moving party. There is a \$75.00 filing fee unless an agreed order for stay relief is submitted along with the Motion.

4. When the Shawnee County District Court Clerk is listed as a creditor:

For restitution, court costs or criminal fines, add Marla J. Luckert, Chief Judge, to the address.
For support or alimony or if you are unable to determine, add Angela Callahan, Clerk, to the address.

5. COUNSEL ARE REMINDED:

All motions must be filed in writing (in TRIPLICATE) with a certificate of service appearing thereon. Please include the case trustee and U.S. Trustee where required.

The name, address, telephone number and State Supreme Court Registration Number of each attorney shall be typed or printed under all signatures.

All pleadings are to be sent for filing to: Clerk, U.S. Bankruptcy Court, 240 Federal Building, 444 SE Quincy, Topeka KS 66683. If a return copy is desired, counsel should provide an extra copy and a self-addressed, stamped envelope.

In all cases where a judgment, decision or ruling is to be settled by journal entry or order, it shall be prepared in accordance with the direction of the Court. In cases where the parties announce that a matter is to be settled by agreement, a party must prepare the order. Counsel preparing the journal entry or order, whether at the Court's direction or under announcement of agreement, must, within ten (10) days unless otherwise directed by the Court, serve copies thereof on all other counsel involved in the matter who must, within ten (10) days after service, file and serve any objections in writing. The original journal entry or order must be submitted to the Court at the time copies are served on counsel. If no objections are filed and served within ten (10) days of service, the Court may enter the journal entry or order. The Court shall settle any objections to the journal entry or order. [LBR 9074.1]

Please refer to D.Kan.LBR 9004.1(b) regarding form and submission of orders. Orders should be mailed to the Clerk, not to the Judge. The Clerk will monitor the timely submission of all orders and follow up on the same. Failure to submit Orders within ten (10) days will result in the case being placed on the Show Cause Docket, at which time counsel must appear to explain to the Court why he or she has failed to submit the Order on time. If counsel cannot meet such deadline, a Motion for Extension of Time stating the reasons for such request must be filed prior to the expiration thereof, accompanied by a proposed Order Granting Extension of Time.

The circled dates on the calendars are cut-off dates for answers, responses or objections to

motions for the calendars. Any answers, responses or objections must be filed by these established dates. Please observe these established dates.

If counsel becomes aware that the hearing will require more than 20 minutes, a written request for special setting should be submitted to the Clerk's Office. The matter will be specially set or put on a stack setting docket for a future date. The regular dockets and motion dockets are not designed for evidentiary hearings unless specifically granted by the Court.

NOTE: Attorneys are responsible for scheduling hearings using the calendar for the Judge presiding in the case. If counsel is uncertain who is presiding Judge, clarification may be obtained from the Clerk's Office.

SAMPLE B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

IN RE

Case No.
Chapter

Debtor(s)

(Use Adversary Caption, if applicable)

NOTICE OF HEARING ON MOTION OF (Movant)
FOR (Relief Sought)
SET FOR _____ at _____.m.

Notice is given that a non-evidentiary hearing on the above motion will be conducted before the
U.S. Bankruptcy Court, Room 210 Federal Building, 444 SE Quincy, Topeka, KS 66683.

Objection(s) must be filed on or before _____.

(Signature of Attorney)
Attorney's Name
Address
Telephone Number
State Supreme Court ID

CERTIFICATE OF SERVICE

This is to certify that on this _____ day of _____, 2003, a copy of the foregoing
Notice of Hearing, together with a copy of the Motion/Application was mailed to each of the following
persons:

(LIST PARTIES and ADDRESSES TO WHOM NOTICE MAILED)

SAMPLE A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

IN RE

Case No.
Chapter

Debtor(s)

(Use Adversary Caption, if applicable)

NOTICE OF OBJECTION DEADLINE
on Motion of (Movant) for (Relief Sought)

YOU ARE HEREBY notified that if no objection to the attached motion/application is filed in writing with the Clerk of the U.S. Bankruptcy Court by

(Date for filing objection — Use Specific Date)

said motion will be granted by entry of an order to be prepared and submitted by counsel for movant/applicant.

If a written objection is timely filed with the Clerk of the Bankruptcy Court at 240 Federal Building, 444 SE Quincy, Topeka, Kansas, a non-evidentiary hearing will be scheduled on:

(Specified date and time of hearing)
210 FEDERAL BUILDING
444 SE QUINCY
TOPEKA, KANSAS

Hearing will not be held on this motion unless an objection and/or response is timely filed with the Clerk.

DATED: (Date Mailed by Counsel)

(Signature of Attorney)
Attorney's Name
Address
Telephone Number
State Supreme Court ID

CERTIFICATE OF SERVICE

This is to certify that on this _____ day of _____, 200____, a copy of the foregoing Notice of Hearing, together with a copy of the Motion/Application, was mailed to each of the following

persons:

(LIST PARTIES and ADDRESSES to whom Notice mailed)
